

ORANGE COUNTY GREAT PARK RESOLUTION GPC - 09-05

A RESOLUTION OF THE ORANGE COUNTY GREAT PARK CORPORATION BOARD OF DIRECTORS ADOPTING A POLICY FOR THE DISTRIBUTION OF TICKETS AND/OR PASSES TO CONFORM WITH SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1"), which amendment became operative on February 7, 2009, that sets forth the circumstances under which the Orange County Great Park Corporation's ("Corporation") distribution of certain tickets and passes to a public official would need to be disclosed by the Corporation and not trigger a disclosure requirement for the purposes of the public official's Statement of Economic Interest Form 700; and

WHEREAS, tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, Regulation 18944.1 provides that tickets or passes that are distributed by the Corporation to public officials in accordance with a duly adopted policy are not gifts to the public officials; and

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the Corporation's distribution of tickets and/or passes to Corporation officials serves a legitimate public purpose of the Corporation, provided that the determination is consistent with state law; and

WHEREAS, from time to time, the Corporation may receive complimentary or discounted tickets or passes from outside sources or receive tickets or passes pursuant to the Corporation's co-sponsorship of an event, or may purchase tickets or passes for both public and private events for distribution to Corporation officials; and

WHEREAS, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, based on such practice and the amended regulations, the Orange County Great Park Board of Directors desires to adopt a policy regarding the distribution of tickets and/or passes pursuant to Regulation 18944.1;

NOW, THEREFORE, the Orange County Great Park Board of Directors DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Orange County Great Park Board of Directors Policy/Procedure for Distribution of Tickets and or Passes in accordance with Section 18944.1 of Title 2 of the California Code of Regulations, as amended by the FPPC and set forth in Exhibit A to this Resolution, is hereby adopted.

Section 2. The Chief Executive Officer is directed to incorporate this policy into the Orange County Great Park Policy and Procedures Manual.

PASSED and ADOPTED by the Orange County Great Park Board of Directors at a regular meeting held on the 24<sup>th</sup> day of September, 2009.

ATTEST:

SECRET

STATE OF CALIFORNIA  
COUNTY OF ORANGE  
ORANGE COUNTY GREAT PARK CORPORATION

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) SS  
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I, Phillip Scollick, Secretary/ Clerk of the Board of the Orange County Great Park Corporation ("Corporation"), HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Corporation held on the 24<sup>th</sup> day of September, 2009.

AYES: 9 CHOI, KANG, KOGERMAN, KROM, PULIDO,  
RAY, SHEA, PINTO AND AGRAN

NOES: 0 NONE

ABSENT: 0 NONE

SECRET

## EXHIBIT A

### Orange County Great Park Corporation Policy/Procedure

**Subject:** Distribution of Tickets and or Passes in accordance with Fair Political Practices Commission (FPPC) Regulation 18944.1, set forth in Section 18944.1 of Title 2 of the California Code of Regulations (Regulation 18944.1)

Reference: Orange County Great Park Resolution No. 09-05

#### 1.0 Purpose:

To ensure that Tickets provided to and distributed by the Orange County Great Park Corporation ("Corporation") are in furtherance of a governmental and/or public purpose as required under Regulation 18944.1 and this Policy.

To ensure that Tickets distributed by the Corporation under Regulation 18944.1 and this Policy are disclosed on FPPC Form 802 and posted to the Corporation's website within thirty days of distribution as required by Regulation 18944.1.

#### 2.0 Application of Policy

2.1 Types of Tickets: This Policy applies to Tickets that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- a. gratuitously provided to the Corporation by an outside source;
- b. acquired by the Corporation by purchase;
- c. acquired by the Corporation as consideration pursuant to the terms of a contract for the use of a Corporation venue; or
- d. acquired and distributed by the Corporation in any other manner.

2.2 Policy Applicable to Tickets Only: This Policy shall only apply to the Corporation's distribution of Tickets to, or at the behest of, a Corporation Official. This Policy does not apply to any other item of value provided to the Corporation or any Corporation Official, regardless of whether received gratuitously or for which consideration is provided. This includes food, beverage or a gift provided to a Corporation Official at an event that is not included in the fair market value of the Ticket.

#### 3.0 Definitions

Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Section 81000 *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the

California Code of Regulations, Section 18110 *et seq.*, as the same may from time to time be amended).

- 3.1 "Orange County Great Park" or "Orange County Great Park Corporation" shall mean and include any departments, boards and commissions thereof.
- 3.2 "Corporation Official" shall mean and refer to every member, officer, employee or consultant of the Corporation, as defined by Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any Corporation board, commission, or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).
- 3.3 "Immediate family" shall mean and refer to the spouse and dependent children.
- 3.4 "Policy" shall mean and refer to this Policy for the Distribution of Tickets and/or Passes.
- 3.5 "Ticket" shall mean and refer to a "ticket or pass" for admission privilege to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

#### **4.0 General Provisions**

- 4.1 No Right to Tickets: The use of Tickets is a privilege extended by the Corporation and not the right of any person to which the privilege may from time to time be extended.
- 4.2 Limitation on Transfer of Tickets: Tickets distributed to a Corporation Official pursuant to this Policy shall not be transferred to any other person, except to members of such Corporation Official's immediate family solely for their personal use.
- 4.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.
- 4.4 No Earmarking of Ticket Given to Corporation: No Ticket gratuitously provided to the Corporation by an outside source and distributed by the Corporation to, or at the behest of, a Corporation Official pursuant to this Policy shall be earmarked by the original source for provision to a particular Corporation Official.

## **5.0 Ticket Administrator**

- 5.1 The Irvine City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- 5.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the purchase and or distribution of Tickets in accordance with this Policy. All requests for Tickets that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- 5.3 The Ticket Administrator shall determine the face value of Tickets distributed by the Corporation for purposes of Sections 6.1, 6.2 and 8.4.d of this Policy.
- 5.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this Policy.

## **6.0 Conditions Under Which Tickets May be Purchased and or Distributed: Subject to the provisions of this Policy, complimentary Tickets may be distributed to Corporation Officials under the following conditions:**

- 6.1 The Corporation Official reimburses the Corporation for the face value of the Ticket(s).
  - a. Reimbursement shall be made at the time the Ticket(s) is/are distributed to the Corporation Official.
  - b. The Ticket Administrator shall, in his or her sole discretion, determine which event Tickets, if any, shall be available under this section.
- 6.2 The Corporation Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.
- 6.3 The Corporation Official uses, or behests, such Ticket(s) for one or more of the following governmental and/or public purposes:
  - a. Facilitating the attendance of a Corporation Official at an event where the job duties of the Corporation Official require his or her attendance at the event.
  - b. Promotion of intergovernmental relations and or cooperation and coordination of resources with other governmental agencies,

including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.

- c. Promotion of Corporation resources and or facilities available to the public.
- d. Promotion of Corporation-run, sponsored or supported community programs or events.
- e. Promoting, supporting and or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Irvine residents.
- f. Promotion of business or economic activity, development and/or redevelopment within the City.
- g. Exchange programs with foreign officials and dignitaries.
- h. Promotion of City tourism, recognition, visibility, and or profile on a local, state, national or international scale.
- i. Promotion of open government by Corporation Official appearances, participation and or availability at business and or community events.
- j. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- k. Attracting or rewarding volunteer service.
- l. Encouraging or rewarding significant academic, athletic or public service achievements by Irvine students, residents or businesses.
- m. Attracting and retaining highly qualified employees; recognizing or rewarding meritorious service by an employee; and or promoting enhanced employee performance or morale.
- n. Recognizing contributions made to the Corporation by former Corporation Board Members, Corporation Employees, or other appointed officials.

## **7.0 Tickets Distributed at the Behest of a Corporation Official**

- 7.1 Only the following Corporation Officials shall have authority to behest Tickets: Corporation Board Members and the Chief Executive Officer.
- 7.2 Tickets shall be distributed at the behest of a Corporation Official only for one or more public purposes set forth in Section 6.3.

## **8.0 Disclosure Requirements**

- 8.1 This Policy shall be posted on the Corporation website in a prominent fashion.
- 8.2 Tickets provided to Corporation Officials as part of their official duties, or Tickets provided so that the Corporation Official may perform a ceremonial role or function on behalf of the Corporation are not subject to this Policy and are exempt from any disclosure requirements under Section 8.0. A ceremonial role or function includes, but is not limited to, making a speech, participating in a panel or seminar, presenting an award or proclamation, or cutting a ribbon.
- 8.3 Tickets distributed by the Corporation for which the Corporation receives reimbursement from the Corporation Official as provided under Section 6.1 shall not be subject to the disclosure provisions of Section 8.0.
- 8.4 Tickets distributed by the Corporation to any Corporation Official either 1) which the Corporation Official treats as income pursuant to Section 6.2, or 2) for one or more public purposes described in Section 6.3, shall be disclosed on Form 802 provided by the FPPC in a prominent fashion on the Corporation's website within thirty (30) days after distribution. Such posting shall include the following information:
  - a. The name of the recipient, except if the recipient is an organization, the Corporation may post the name, address, description of the organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
  - b. a description of the event;
  - c. the date of the event;
  - d. the face value of the Ticket;
  - e. the number of Tickets provided to each person
  - f. if the Ticket is distributed at the behest of a Corporation Official, the name of the Corporation Official who made such behest; and
  - g. a description of the public purpose(s) under which the distribution was made, or, alternatively, the Corporation Official is treating the Ticket as income.